IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

WP(C).No. 3572 of 2007(A)

PETITIONER:

KUNDAYI KUNHAYISHA,
W/O.NADUTHODI KUNHIMOHAMMED,
MELMURI P.O., MALAPPURAM-676 514.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS:

1.THE DISTRICT COLLECTOR, MALAPPURAM.

2.THE SUB DIVISIONAL MAGISTRATE,
PERINTHALMANNA.

3.BLOCK DEVELOPMENT OFFICER, MALAPPURAM.

4.MALAPPLURAM MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
MALAPPURAM.

5.T. BADARUDDIN, S/O.RAYINKUTTY HAJI,
THOTTAPALLI HOUSE, MELMURI P.O.,
MALAPPURAM.

6.ABDUL SALAM S/O.MUHAMMED HAJI @
BAPPU HAJI, PALLIYALIL HOUSE,
MELMURI P.O., MALAPPURAM.

R5-R6 BY ADV. SRI.T.KRISHNAN UNNI
SRI.SAJU.S.A
R4 BY ADV.SRI.BABU S. NAIR
R1 TO R3 BY GOVT. PLEADER SMT.T.B.RAMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.3572 of 2007

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Dated: 29th March, 2007

JUDGMENT

Heard Mr.P.Chandrasekhar, counsel for the petitioner, Mr.T.Krishnanunni, counsel for respondents 5 and 6, Mr.Babu S.Nair, Standing Counsel for the 4th respondent and Smt.T.B.Ramani, Government Pleader for respondents 1 and 2.

2. The question posed for consideration is whether Ext.P5 order passed by the 1st respondent-District Collector is liable to be corrected in exercise of this court's jurisdiction for judicial review. Mr.Chandrasekhar would refer to the five points highlighted by the District Collector particularly point No.2 in Ext.P5 placing before me a copy of what he described as certified extract of the village map. He submitted that contrary to what is stated by the District Collector, the village map will not show the existence of any road through the petitioner's property. The learned Government Pleader would place before me the original of the map which was actually considered by the District Collector. The said map issued by the very same Village Officer reveals that there exists a road by name 'Cholakkapara-Chakkumpilavu road'. The stand taken by the 4th respondent-Municipality before the District Collector was that as per their property register the road in question exists and passes through the

petitioner's property also. However, in this court Mr.Babu S.Nair,Standing Counsel for the Municipality submits that the above stand came to be taken before the Collector by mistake only. Whatever that be, considering the narrow contours of this court's jurisdiction for judicial review of administrative orders, I am of the view that this court will not be justified in interfering with Ext.P5 order which according to me, is a reasoned one and is based on materials. The Writ Petition will stand dismissed. It is also seen that against the order passed by the R.D.O. reiterating Ext.P5, the petitioner has got a remedy under the Criminal Procedure Code also. It is made clear that this judgment will not stand in the way of the petitioner seeking redressal of his grievance from any competent civil court or under the Criminal Procedure Code. The interim order presently passed however will continue for a period of one month from today.

srd **PIUS C.KURIAKOSE, JUDGE**